

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRIAN A. MAUS,

Petitioner,

v.

Case No. 07-CV-896

BILL GREENING,

Respondent.

**ORDER GRANTING MOTION TO PROCEED IN FORMA PAUPERIS ON
APPEAL**

Following all parties consenting to the full jurisdiction of a magistrate judge, this court granted the respondent's motion to dismiss the petition, on the basis that the petitioner was not in custody and thus, in accordance with 28 U.S.C. § 2254(a), he was not entitled to relief. (Docket No. 20.) The petitioner moved for reconsideration, which this court denied. (Docket No. 24.) On September 26, 2008, this court denied the petitioner's request for a certificate of appealability and for the appointment of counsel. (Docket No. 30.) Currently pending before the court is the petitioner's request to proceed in forma pauperis on appeal, which was referred to this court by the Seventh Circuit Court of Appeals after the petitioner improperly filed his motion with that court. (Docket No. 35.)

Initially, the petitioner, who is currently incarcerated, failed to provide the court with a certified copy of his trust fund account statement (or institutional equivalent) for the six-month period immediately preceding the filing of the notice of appeal, as is required by 28 U.S.C.

§ 1915(a)(2), and as he was instructed to do on page two of Seventh Circuit's standard form "Motion for Permission to Appeal In Forma Pauperis" that the petitioner submitted. Therefore, the court granted the petitioner 30 days to provide the court with an appropriate certified copy of his trust account statement for the six months immediately preceding his filing of the notice of appeal.

The court has now received the petitioner's prison trust account statement. Based upon the court's review of this document, the court is satisfied that the petitioner is indigent, and therefore his motion to proceed in forma pauperis on appeal, (Docket No. 35), is **granted**.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 25th day of November 2008.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge